



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/520,454

08/22/2005

Herrmann Rabe

30931/L50092

5622

4743

7590

04/21/2009

MARSHALL, GERSTEIN & BORUN LLP  
233 SOUTH WACKER DRIVE  
6300 SEARS TOWER  
CHICAGO, IL 60606-6357

EXAMINER

BERNSTEIN, DANIEL A

ART UNIT

PAPER NUMBER

3743

MAIL DATE

DELIVERY MODE

04/21/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

***Response to Arguments***

1. Examination on the merits has ended. It should be kept in mind that applicant cannot, as a matter of right, amend any finally rejected claims or add new claims after a final rejection (37 CFR 1.116). Additionally, the applicant has failed to provide good and sufficient reasons why the amendments are necessary and were not earlier introduced (37 CFR 1.116(b)). Therefore, the amendment will not be entered.
2. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the legs that provide a seal as taught by Buday) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
3. Oslin does teach a replacement sealing plate. Oslin teaches a double door, in which the inside door seals the oven cavity. The inside door is the replacement sealing plate. Furthermore, Oslin is capable of receiving a mobile plate rack which would seal the opening to the oven chamber and when removed can be sealed by the replacement sealing plate, or inside door, of Oslin.
4. The applicant argues that Buday does not teach a sealing plate and therefore the rejection of record is overcome by the amended claims. In the rejection, the prior art of Rhoads is relied upon to teach an oven compartment in which a mobile plate rack seals the opening of the cooking chamber. Based on the Rhoads reference, it is clearly

Art Unit: 3743

known to someone of ordinary skill to seal an oven cavity opening with a mobile plate rack. The combination of Oslin with Rhoads was proper, because the oven cavity of Oslin is capable of receiving a mobile plate rack which seals the opening of the oven cavity. For this reason, the applicant's arguments have been overcome by the art of record and it is the opinion of the examiner that the final rejection is proper and should be maintained.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL A. BERNSTEIN whose telephone number is (571)270-5803. The examiner can normally be reached on Monday-Friday 8:00 AM - 5:00 PM EDT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Rinehart can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3743

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DAB

/Kenneth B Rinehart/  
Supervisory Patent Examiner, Art Unit 3743